

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LA SHARON ADKINS,

Plaintiff,

vs.

HYUNDAI MOTOR AMERICA; *et al.*,

Defendants.

Case No. 2:12-cv-01612-GMN-GWF

ORDER

Motion for Sanctions (#54)

This matter comes before the Court on Plaintiff's Motion for Sanctions (#54), filed on April 30, 2013. Defendant Henderson Hyundai filed an Opposition (#72) on May 10, 2013. Defendant Advanstaff filed an Opposition (#73) on May 14, 2013. Plaintiff filed a Reply (#76) on May 24, 2013, and a Supplement (#77) to its Reply on June 3, 2013. The Court conducted a hearing on the Motion (#54) on June 13, 2013. *See Minutes of Proceedings, Doc. #79.* For the reasons stated on the record at the hearing,

IT IS HEREBY ORDERED that Plaintiff's Motion for Sanctions Against Defendants for Spoliation of Evidence (#54) is **granted** in part and **denied** in part as follows:

- (1) Michael Balsamo shall be precluded from testifying regarding his examination of the subject hard drive;
- (2) Counsel for Plaintiff shall, no later than **14 days** from entry of this Order, serve and file a memorandum, supported by the affidavit of counsel, establishing the amount of attorneys' fees and costs incurred in bringing the instant Motion (#54). The memorandum shall provide a reasonable itemization and description of the work performed, identify the attorney(s) or other staff member(s) performing the work,

1 the customary fee of the attorney(s) or staff member(s) for such work, and the
2 experience, reputation and ability of the attorney performing the work. The
3 attorney's affidavit shall authenticate the information contained in the
4 memorandum, provide a statement that the bill has been reviewed and edited, and a
5 statement that the fees and costs charged are reasonable;

6 (3) Counsel for Defendant Henderson Hyundai shall have **14 days** from service of the
7 memorandum of costs and attorneys' fees in which to file a responsive
8 memorandum addressing the reasonableness of the costs and fees sought, and any
9 equitable considerations deemed appropriate for the Court to consider in
10 determining the amount of costs and fees which should be awarded;

11 (4) Counsel for Plaintiff shall have **7 days** from service of the responsive memorandum
12 in which to file a reply.

13 DATED this 19th day of June, 2013.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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